

CITY OF BROKEN ARROW
MINUTES OF
BOARD OF ADJUSTMENT MEETING
May 10, 2004

The Board of Adjustment Agenda was posted at 10:00 a.m., May 6, 2004, on the City Hall Bulletin Board, 220 South First Street, Broken Arrow. The Broken Arrow Board of Adjustment met in a regular meeting in the City Council Chambers at City Hall on Monday, May 10, 2004, at 6:00 p.m.

Present: Jack Keeling, Chairman
Archer Honea, Vice Chairman
Tim Edmondson, Member
Rene' L. Ray, Member

Ralph Crotchett, Member (Not present: Term expired May 1, 2004, reappointment pending action May 17, 2004)

Staff Present: Farhad K. Daroga, City Planner
Brent Murphy, Assistant City Planner
April Parnell, Assistant City Attorney
Vaunda Pendergraft, CDC

3. & 4. Consideration of minutes of regular Board of Adjustment meeting held April 12, 2004 and minutes of joint meeting of the Board of Adjustment, the Planning Commission and the City Council, held February 26, 2004.

Motion by Tim Edmondson to approve the minutes of the Board of Adjustment and the Joint Meeting of the Board of Adjustment, City Council, and Planning Commission as presented. The motion was seconded by Rene' Ray.

Archer Honea said a statement in paragraph four of page three of the Joint Meeting minutes begins "In response to a member's inquiry..." Archer Honea stated for the record, he was that member.

Tim Edmondson, with the consent of the second, amended his motion to approve the minutes of The Board of Adjustment and Joint meeting of the Board of Adjustment, City Council, and Planning Commission with the amendment as requested by Archer Honea.

Yes: Ray, Edmondson, Honea, Keeling

No: None.

Motion approved.

5. The board considered BOA 639, a request for a variance to waive the sight triangle requirement, Article VIII, Section 11 (Ordinance No. 1560), northeast corner of Main Street and Fort Worth Street, 407 S. Main Street, Additive Systems, Inc. (applicant). This item was continued from the Board of Adjustment meeting of April 12, 2004.

5. continued

Brent Murphy presented the background and site plan submitted with the application. He explained that the site plan submitted with the application contained an error in the site triangle location. Tim Edmondson asked if the applicant was aware of the “new line” (pink line) on the site plan. Mr. Murphy stated that he had contacted the applicant prior to this meeting and informed him that the “pink line” on the site plan was a corrected site triangle line. He stated that the site triangle had been measured on the site plan with application from the property lines, and the “pink line” represented the site triangle properly measured from the curb. He explained the process of site triangle measurement according to the City ordinance. Archer Honea and Tim Edmondson both stated that they had driven past the site. Archer Honea stated that his concern was safety. Brent Murphy showed photos of the area involved.

Scott Eudey, 106 S. Main Street, Broken Arrow, representing the applicant, stated that clarification of the existing fence on the property is represented by the dotted line on the site plan, not the “pink line”. He said he understood the concern for safety, however, he felt that Centennial Park was an example of the fence 10 feet from the property line. He said that they would be willing to work with the City staff to come to an agreement on this issue. Archer Honea voiced his concern that the application didn’t meet requirements for a variance and said more clarification was needed before a decision could be made. Scott Eudey stated that he would be willing to work with Staff, and said the applicant’s engineer had done the site plan. Tim Edmondson asked if the site plan was to scale and said it didn’t look like the proposed building is in the site triangle, and therefore it didn’t look like the applicant needed a variance. Rene’ Ray asked that the site plan be corrected. Scott Eudey said that he would meet with a City inspector to determine if the building would be located in the site triangle. Tim Edmondson pointed out that surveys and measurements were the responsibility of the property owner. Archer Honea proposed tabling of the item until safety issues could be resolved. Scott Eudey agreed with tabling the issue.

Motion by Archer Honea to table BOA 639. Seconded by Rene’ Ray.

Yes: Ray, Edmondson, Honea, Keeling

No: None

Motion approved.

6. The Board considered BOA 640, a request for a variance to reduce the 50-foot building line setback at the southeast corner of Kenosha Street and Evans Road from 50 feet to 42 feet, Darold D. Davis (applicant). Brent Murphy presented the background and a brief history of the property. He said a preliminary plat is in process and conceptual site plan has been submitted. He said Staff’s opinion is that the request for variance meets the four conditions for approval.

Archer Honea asked how long the property has been at its present size. Farhad Daroga stated that the property had been part of a larger parcel of land and a lot split had been approved in the 1980’s making the parcel it’s present size. He stated that the previous owners to this parcel were aware of the small size and development limitations when they applied for and were given the lot split.

6. continued

Archer Honea asked if the past owner's intention was to manipulate the zoning on the property. Tim Edmondson said the small size happened, a long time ago and may not be an issue for consideration. He also stated that the 70-foot right-of-way would eventually be used to build a right turn lane for Evans and Kenosha intersection. Rene' Ray said she felt that the design of the building proposed for the parcel has provided adequate handicapped parking and other parking, and placement of the building allows for future changes along Evans Road.

Darold D. Davis, 5411 S. 125th E. Ave, Tulsa, OK spoke on behalf of the owners of the property. He stated that the property was in Wagoner County's jurisdiction when the lot split was approved. He stated that the owners were dedicating a right-of-way to the City, which would bring the 0.8 acre parcel to 0.47 acre of developable property. He also stated that without the variance the building would be long and thin.

Ken Murray with Heritage United Methodist Church stated that when Evans Road was widened in the past it took some of the available lots space. He also stated that with his church growing, the addition of a beauty shop in that area would be a benefit. He stated that the church had no objection to the application. Archer Honea stated that he had no particular problem with the application. Jack Keeling stated that he thought it was a good compromise.

Motion by Archer Honea to approve BOA 640 as recommended by Staff. Seconded by Tim Edmondson.

Yes: Ray, Edmondson, Honea, Keeling

No: None.

Motion approved.

6. **REMARKS, INQUIRIES AND COMMENTS BY BOARD MEMBERS AND STAFF (NO ACTION)**

None.

7. **Motion** at 6:40 p.m. by Tim Edmondson to adjourn. The motion was seconded by Rene' Ray.

Yes: Ray, Edmondson, Honea Keeling

No: None

Motion approved.